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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

STANLEY, MARK P

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,840	Applicant(s) PEDLOW ET AL.	
	Examiner MARK P. STANLEY	Art Unit 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/10/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/10/2004, 5/24/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

2. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold et al. (US 2005/01808769 A1 hereinafter Arnold) in view of Fangman et al. (US 2002/0150083 A1 hereinafter Fangman) and Chakraborty (US 7,164,676 B1 hereinafter Chakraborty)

Regarding claim 1, Arnold discloses “a method of configuring a home entertainment network terminal at a subscriber site, comprising:” (see Arnold [0138]-[0140], Fig. 10, Fig. 15, item 1001 the network, items 1002-1005 the terminals)

“provisioning the home entertainment network terminal by using DHCP services to obtain a unique terminal identifier, wherein the DHCP services use DHCP option 43

Art Unit: 4157

to define a scope of the subscriber site, wherein the DHCP services use DHCP option 15 to define a unique sub-domain name for the subscriber site”, and wherein the DHCP services use DHCP option 12 to define a common host name for the terminal;” (see Arnold [0084]-[0086], Fig. 7 item 750 the DHCP server is used with the DHCP clients of the DVRs,)

“carrying out a discovery process by attempting to contact each terminal in the sub-domain within the scope defined by DHCP option; and” (see Arnold [0140] the DVR terminals discover their peers within the home network)

However, while Arnold states using DHCP and the use of synchronizing actions and transferring content and data between the connected terminals (see Arnold [0110], [0113]-[0114]) within a home network, Arnold does not explicitly state using the above options 43, 15, and 12 and “for at least one terminal identified in the discovery process, synchronizing a database with a database of the identified terminal”.

Fangman discloses the use of DHCP with the use of option 43 to define the vendor specific info (see Fangman [0144]), option 15 to define the domain name (see Fangman [0119]), and option 12 to define the host name (see Fangman [0120]) within a communications network involving multiple devices and a private network. Where the client attempts discovery within the scope defined by option 43 (see Fangman [0280], Fig 5A, item 506).

Chakraborty discloses synchronizing a transactional database in a communications network (see Chakraborty col. 3, lines 22-26), where during an initial or boot phase of the secondary device and connection to the primary device, the database

Art Unit: 4157

of the secondary device receives a bulk update followed by transactional updates converging to a transactional model (see Chakraborty col. 3, lines 33-39).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the home entertainment network where DHCP is used to provision and discover terminals of Arnold with the use of the options 12, 15, and 43 of Chakraborty subsequently synchronizing a transactional database in a communications network of Chakraborty with an identified terminal, where one would have been motivated to do so for an improved communication network using the DHCP options and improved synchronization between terminals in the home network.

Regarding claim 2, Arnold, Fangman and Chakraborty further disclose “the

Need 5 steps of
103 rejection.

method according to claim 1, wherein the synchronizing comprises synchronizing to an identified terminal having a database carrying a most recent time stamp” (where Official Notice is taken that it would have been obvious to synchronize to the database with the most recent information being the one with the most recent time stamp).

Regarding claim 3, Arnold, Fangman and Chakraborty further disclose “the method according to claim 1, wherein the synchronizing comprises synchronizing to an identified terminal having either a lowest or highest ordered identifier” (see Arnold [0138]-[0140], a single terminal is identified as a main source of data transfer within the home network).

Regarding claim 4, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 1 above.

Regarding claim 5, Arnold, Fangman and Chakraborty further disclose “the



5 steps of 103
rejection

According to claim 1, further comprising determining that a re-discovery time and repeating the carrying out the discovery process and the synchronizing” than [0284], Fig. 5A, item 538 after a period of time before reissuing the DHCP discovery process, see Chakraborty col. 3, lines 43-48 resynchronization of databases in response to a command).

Regarding claims 6-8, Arnold discloses the use of a certificate list of valid identified terminals within the home network created at the service center and distributed to the terminals within the home network via the internet where the terminals use the list to discover their peers within the home network (see Arnold [0138]-[140], [0156]-[0159], Fig. 12). However, Arnold does not explicitly state the terminal itself within the network being able to generate this list during the DHCP discovery process.

Fangman discloses the use of DHCP discovery process where the terminal will not receive a DHCP offer unless it is a valid terminal within a stored MAC ID list ([0284]-[0285], where the MAC ID list would be generated during the DHCP process, Official Notice is taken that it would have been obvious to limit the number of attempts on issuing rediscovery before being labeled as inactive).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to implement the home entertainment network using DHCP with a distributed certificate list of valid terminals to each terminal within the network for discovery of peers of Arnold with the DHCP discovery process of Fangman using a generated list of valid MAC ID for determination of valid terminals, where one would have been motivated to do so for an improved discovery process of terminals within the home network.

Regarding claims 9-10, the claimed limitations have been analyzed and rejected for the same rationale as stated in claims 1-8 above.

Regarding claim 11, The claimed limitations have been analyzed and rejected for the same rationale as stated in claims 1-8 above, where the apparatus performs the method of claims 1-8.

Regarding claim 12, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 2 above, where the apparatus performs the method of claim 2.

Regarding claim 13, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 3 above, where the apparatus performs the method of claim 3.

Regarding claim 14, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 4 above, where the apparatus performs the method of claim 4.

Regarding claim 15, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above, where the apparatus performs the method of claim 5.

Regarding claim 16, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 6 above, where the apparatus performs the method of claim 6.

Regarding claim 17, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 7 above, where the apparatus performs the method of claim 7.

Regarding claim 18, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 8 above, where the apparatus performs the method of claim 8.

Regarding claim 19-20, the claimed limitations have been analyzed and rejected for the same rationale as stated in claims 1 above.

Regarding claim 21, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 2 above.

Regarding claim 22, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 3 above.

Regarding claim 23, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above.

Regarding claim 24, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 7 above.

Regarding claim 25, Arnold, Fangman and Chakraborty further disclose “the home entertainment network terminal according to claim 19, wherein the terminal comprises a television set-top box” (see Arnold Fig. 10, items 1003-1005 are DVR boxes where they include the functionality of a set-top, see Chakraborty [0412]).

Regarding claims 26-27, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 1 above, where the computer readable storage medium storing instructions when executed performs the method of claim 1.

Regarding claim 28, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 2 above, where the computer readable storage medium storing instructions when executed performs the method of claim 2.

Regarding claim 29, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 3 above, where the computer readable storage medium storing instructions when executed performs the method of claim 3.

Regarding claim 30, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above, where the computer readable storage medium storing instructions when executed performs the method of claim 5.

Regarding claim 31, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 7 above, where the computer readable storage medium storing instructions when executed performs the method of claim 7.

Regarding claims 32-33, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 1 above.

Regarding claim 34, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 2 above.

Regarding claim 35, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 3 above.

Regarding claim 36, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 5 above.

Regarding claim 37, the claimed limitations have been analyzed and rejected for the same rationale as stated in claim 7 above.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mckeown et al. (US 2004/0261116 A1) – provisioning service in a communications network using DHCP

Atencio et al. (US 2004/0210450 A1) – self-provisioning services

Gautier et al. (US 6,618,858 B1) – set-top box automatically register for services where a single identity is used for multiple locations

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK P. STANLEY whose telephone number is (571)270-3757. The examiner can normally be reached on 8:00AM - 5:00PM Mon-Fri EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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